

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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HARD ROCK CAFE INTERNATIONAL,
(USA), INC., : 10 Civ. 7244 (WHP)

Plaintiff, : ORDER

-against- :
HARD ROCK HOTEL HOLDINGS, LLC, et al., :

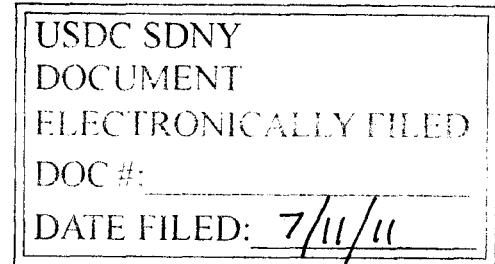
Defendants. :
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WILLIAM H. PAULEY III, District Judge:

Once again the parties seek this Court's advice regarding on-going mediation efforts. The parties previously informed this Court that Plaintiff's counsel's schedule made it inconvenient to attend a June mediation session proposed by Senior Judge Sweet in New York. Thereafter, Senior Judge Sweet graciously offered to interrupt his own schedule and meet with the parties in Idaho. Now, the Hard Rock Defendants request a postponement of that July 27th mediation session while Plaintiff's counsel urges this Court to compel it.

In his customarily gracious and accommodating manner, Senior Judge Sweet is willing to meet with the parties in Idaho in July, or in New York in September. He has asked this Court to decide the question.

This Court agrees with the Hard Rock Defendants' counsel that postponing the mediation session will enable the parties to continue their ongoing settlement discussions which recently started in Florida. Moreover, because this Court decided the parties' dueling motions to dismiss today, the parties may wish to consider their respective negotiating positions before



another face to face mediation session with Senior Judge Sweet.

Accordingly, the parties should schedule a mediation session with Senior Judge Sweet when he returns to the district. This Court is grateful for Senior Judge Sweet's assistance in this matter. Further, the parties are directed to submit a new proposed Amended Stipulation and Order with deadlines that reflect this postponement.

Dated: July 11, 2011
New York, New York

SO ORDERED:



WILLIAM H. PAULEY III
U.S.D.J.

Copies to:

Hon. R. Sweet

Bruce R. M. Ewing, Esq.
Dorsey & Whitney LLP
250 Park Avenue
New York, NY 10177
Counsel for Plaintiff

Jeremy Feigelson, Esq.
Debevoise & Plimpton, LLP
919 Third Avenue, 31st Floor
New York, NY 10022
*Counsel for the Hard Rock Defendants
and the Equity Holder Defendants*

James F. Rittinger, Esq.
Satterlee Stephens Burke & Burke LLP
230 Park Avenue
New York, NY 10169
Counsel for the Turner Defendants